



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2301899

Applicant Name: Christopher Faul

Address of Proposal: 11 West Raye Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to construct a two story addition to an existing single family residence.

The following approval is required:

- **Variance** - To allow a portion of the principal structure to project into the required rear yard (required 18 feet, proposed 10' 11"). Seattle Municipal Code Section 23.44.014B)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Subject Site and Vicinity

The proposal is located in a Single Family 5000 zone. The proposed building site is an approximately 3,150 sq. ft. (90 feet deep by 35 feet wide) rectangular-shaped parcel located on West Raye Street between Queen Anne Avenue North and 1st Avenue West. The site abuts a 16' wide alley on the side to the west. The parcel is currently improved with a two-story single family residence. There are no mapped or observed critical areas on the site.

The subject site is zoned Single-Family 5000 (SF 5000) as is the immediate surrounding area. The area consists of mostly single family residences. Small pockets of multifamily zoning exist west of the site along 3rd Avenue West. Lowrise 1 (L-1) zoning encompasses the northwest portion of the block located at the southeast corner of 3rd Avenue West and West Raye Street and continues north until it changes to Lowrise 2 (L-2) north of West Newell Street. Rogers Park on the east side of 3rd Avenue West is zoned SF 5000. L-1 zoning is also present east of the site on the block bounded by Newell Street, Raye Street, Warren Avenue North and 1st Avenue North.

Proposal Description

The applicant proposes to remove the existing powder room on the ground floor and construct a two story addition in order to create additional living area that would include an approximately 292 sq. ft. family room on the main floor and an approximately 313 sq. ft. master bedroom on the second floor. The addition would be approximately 22' along the side lot line abutting the alley and would project seven feet into the required rear yard. The width of the ground floor addition is approximately 15' as measured from the exterior walls. The proposed second floor is proposed over this first floor addition and will be approximately two feet wider at 17' as measured to the exterior walls. The existing structure is approximately 28 feet from the rear property line and based on the depth of 90 feet requires an 18-foot rear yard. The height of the new addition will be approximately 26' 8" to the top of the roof and will match the height of the existing structure. Variance approval is being sought for the proposed projection into the required rear yard.

Public Comment

The comment period ended June 11, 2003. One comment was received by returning the public notice form requesting notice of the decision.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The current lot area of 3,150 sq. ft. is currently under the SF5000 sq. ft. minimum lot size requirement of the zone. This lot appears to have been created in the early 1900's prior to any minimum lot size requirements but is not unusually small compared with other lots in the vicinity. Five of the six lots across West Raye Street from the subject site range in size from 2600 to 2800 sq. ft. Other lots on the block of the subject site include the two lots to the east of the subject property which are approximately 3400 sq. ft. and three lots to the west across the alley are 3600 sq. ft. The applicant proposes that the property has the following unusual

conditions: small size; subject property does not enjoy a standard configuration with the rear yard abuts the alley; narrow width; extreme grade change; lack of private open space; location of existing structure (minimal area for expansion ie.; six feet in the front, six feet on the side and 10 feet in the rear).

The current configuration of the site is a rectangular lot that abuts a 16' alley to the west (along the side lot line). The lot size is indeed smaller than the minimum requirement of 5000 sq. ft. which is not unusual in this part of the city. This lot may be slightly narrower in comparison to some of the lots but does enjoy the ability to construct up to the side lot line that abuts the alley. This opportunity is enjoyed by some but not all of the smaller lots located in this same area.

There is a grade change at the front of the property abutting West Raye Street of approximately eight feet. This slope is more severe where the property meets the street and is currently retained by a rock wall and stairs built into the slope. This does not appear to impact the development area allowed by the Land Use Code.

Location of the existing structure is currently conforming to development standards. With this current configuration the property currently has approximately 792 sq. ft. of footprint area that can be developed meeting the current regulations of the Land Use and Zoning Code.

Thus, the lot size, configuration with respect to the alley location, width, topography and location of the existing structure do not deprive the property of rights and privileges enjoyed by other properties in the zone or vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The requested variance does go beyond the minimum to afford relief. The existing structure is in a conforming location with the ability to expand 10 feet into the rear, six feet to the alley and six feet into the front. The lot depth at 90' allows for a 52' deep structure and the 35' width will allow for a 30' wide structure (including the allowance for building up to the side lot line abutting the alley) for a total footprint of 1,560 sq. ft. Two stories of this footprint would provide more than 3,000 sq. ft. of living area. This lot does not enjoy the ability to use the alley for the calculation of rear yard setback but does enjoy the ability to construct up to the alley lot line and gain approximately 312 sq. ft. of additional floor area. If the alley abutted upon the rear of this lot rather than the side, the amount of additional floor area gained would be only 160 sq. ft. (25 ft. by 6.4 ft.).

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

The proposal would not likely be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The location of the existing house is in a conforming location and will allow for additions to the rear front and side yard abutting the alley. Although the lot size is smaller than the minimum 5000 sq. ft. required, the literal interpretation of the Land Use Code would not cause undue hardship or practical difficulties as the configuration of the structure and the lot would allow for 740 sq. ft. per floor of code conforming additions. The following areas would allow for code complying additions: a 10 foot by 30 foot wide (300 sq. ft.) addition in a code conforming location to the rear and the side; A 52 foot by six foot (312 sq. ft.) conforming addition on the side and a six foot by 30 foot (180 sq. ft.) addition in the front. In addition the existing floor plan, particularly the upstairs, could be modified to allow the incorporation of a code complying addition. Dormers could be added to the structure to increase head room and livable area within the existing upstairs. The proposed family room addition could also be designed to be within the confines of the code.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space.

The granting of the variance would not be consistent with the spirit and purpose of the Land Use Code regulations. The addition would project seven feet into the required 18' rear yard leaving approximately 11' of area between the two story structure and the rear property line. This increases bulk and impacts light and air to neighboring residences particularly to the east, greater than what exists with the existing detached garage.

DECISION - VARIANCE

The proposed action is **DENIED.**

Signature: (signature on file) Date: October 20, 2003
Lori Swallow, Land Use Planner
Department of Design, Construction and Land Use
Land Use Division

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